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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 16-1998-93097
Against:)	
)	
DONALD ANTHONY SIMSEN, M.D.)	
27 Sailfish Point)	DEFAULT DECISION
Monteo, NC 27954)	
)	
Physician and Surgeon's)	
Certificate No. G 12870,)	
)	
Respondent.)	
<hr/>		

On or about March 22, 1999, an employee of the Medical Board of California (hereinafter "Board") sent by certified mail a copy of Accusation No. 16-1998-93097, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a Request for Discovery, to Donald Anthony Simsen, M.D. (hereinafter "respondent") at his address of record. The package was returned marked "Moved, left no address". (Attached as Exhibit 1 and incorporated by reference as if fully set forth is a copy of the declaration of service by certified mail.) Thereafter on or about April 14, 1999, an employee of the Board sent by certified mail the accusation package addressed to respondent at 2 Bennet Court, East Brunswick, New Jersey, 08816, and to respondent at 29370 Bryan Way, Punta Gorda, Florida 33982. Both green receipt cards were signed and returned. (Attached as Exhibit 2 and incorporated by reference

as if fully set forth is a copy of this declaration of service by certified mail with the green receipt cards attached.)

Respondent failed to file a Notice of Defense within fifteen (15) days after service of the accusation as allowed by section 11506 of the Government Code. As a result, respondent has therefore waived his right to a hearing on the merits to contest the allegations contained in the accusation. The Division of Medical Quality now proceeds to take action based upon the accusation, declarations, and documentary evidence on file in accordance with Government Code sections 11505(a) and 11520.

FINDINGS OF FACT

I

Ronald Joseph is the Executive Director of the Medical Board of California and brought the charges and allegations in the accusation solely in his official capacity.

II

On or about January 25, 1967, Physician and Surgeon's Certificate No. G 12870 was issued by the Board to respondent. At all times relevant to the charges contained in the accusation, this license has been in full force and effect. Said certificate expired on January 31, 1998, and is in delinquent status.

III

On March 22, 1999, an accusation was filed by the Board alleging causes for discipline against respondent. Attached as Exhibit 3 and incorporated by reference is a true and correct copy of the accusation. The accusation was duly served on respondent. Respondent failed to file a Notice of Defense.

IV

The allegations of the accusation are true as follows: On or about September 25, 1998, by the Consent Order of Voluntary Surrender of Licensure of that date, respondent surrendered his New Jersey medical license to the New Jersey Board of Medical Examiners upon findings of , inter alia, chronic alcohol abuse, alcoholism, and depression. Attached as Exhibit 4 and incorporated by reference as if fully set forth is a true and correct copy of Consent Order of the Voluntary Surrender of Licensure before the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners.

DETERMINATION OF ISSUES

I

Pursuant to the foregoing Findings of Fact, respondent's conduct is subject to discipline within the meaning of section 141(a) and respondent is guilty of unprofessional conduct within the meaning of sections 2305 and 2239(a).

DISCIPLINARY ORDER

Physician and Surgeon's Certificate No. G 12870 issued to Donald Anthony Simsen, M.D. is hereby revoked.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Division of Medical Quality, Medical Board of California at 1430 Howe Avenue, Sacramento, CA 95825 within seven (7) days of the service of this decision.

This decision shall become effective on November 15, 1999.

DATED: October 15, 1999

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Ira Lubell, M.D.
Chair, Panel A
Division of Medical Quality

EXHIBIT 1

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation

Re: Against: Donald A. Simsen, M.D. No: 16-1998-93097

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1430 Howe Avenue, Sacramento, California 95825. I served a true copy of the following documents:

STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7; NOTICE OF DEFENSE (2 COPIES); DISCIPLINARY GUIDELINES BOOKLET; NOTIFICATION REGARDING SECTION 14124.12 OF THE WELFARE AND INSTITUTIONS CODE.

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Donald A. Simsen, M.D.
27 Sailfish Point
Monteo, NC 27954

Z-249-228-985

Each said envelope as then, on March 22, 1999 sealed and deposited in the United States mail at Sacramento, California, the county in which I am an employee, with the postage thereon fully prepaid.

Executed on March 22, 1999, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

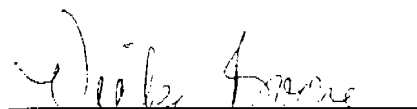

DECLARANT

EXHIBIT 2

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation

Re: Against: Donald A. Simsen, M.D. No: 16-1998-93097

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1430 Howe Avenue, Sacramento, California 95825. I served a true copy of the following documents:

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by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Donald A. Simsen, M.D.
2 Bennett Court
East Brunswick, NJ 08816

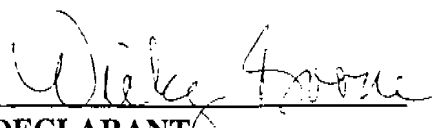
Z-580-139-861

Donald A. Simsen, M.D.
29370 Bryan Way
Punta Gorda, FL 33982

Z-580 139 862

Each said envelope as then, on April 14, 1999 sealed and deposited in the United States mail at Sacramento, California, the county in which I am an employee, with the postage thereon fully prepaid.

Executed on April 14, 1999, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Donald A. Simsen, M.D.
29370 Bryan Way
Punta Gorda, FL 33982

4a. Article Number

7580 139 862

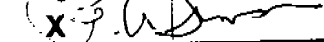
4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Donald A. Simsen, M.D.

~~Benjamin G. Smith~~
~~East Brunswick, NJ 08816~~

4a. Article Number

7580 139 861

4b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4 19 99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229 Domestic Return Receipt

EXHIBIT 3

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL, Supervising
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5336
FAX: (916) 327-2247

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 22 19 99
BY W. J. Moore ASSOCIATE

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation) Case No. 16-1998-93097
Against:)
)
DONALD ANTHONY SIMSEN, M.D.)
)
27 Sailfish Point)
Monteo, NC 27954) ACCUSATION
)
Physician and Surgeon's)
Certificate No. G-12870,)
)
Respondent.)

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive
Director of the Medical Board of California (hereinafter the
"Board") and brings this accusation solely in his official
capacity.

2. On or about January 25, 1967, Physician and
Surgeon's Certificate No. G-12870 was issued by the Board to
Donald Anthony Simsen, M.D. (hereinafter "respondent"), and at
all times relevant to the charges brought herein, this license

1 has been in full force and effect except that said certificate
2 expired on January 31, 1998, and is in delinquent status.

3 JURISDICTION

4 3. This accusation is brought before the Division of
5 Medical Quality of the Medical Board of California, Department of
6 Consumer Affairs (hereinafter the "Division"), under the
7 authority of the following sections of the California Business
8 and Professions Code (hereinafter "Code") and/or other relevant
9 statutory enactment:

10 A. Section 2227 of the Code provides that the Board
11 may revoke, suspend for a period not to exceed one year, or
12 place on probation, the license of any licensee who has been
13 found guilty under the Medical Practice Act, and may recover
14 the costs of probation monitoring if probation is imposed.

15 B. Section 2239(a) of the Code provides in pertinent
16 part that the use of alcoholic beverages in such a manner or
17 to such an extent as to be dangerous or injurious to the
18 licensee, another person or the public constitutes
19 unprofessional conduct.

20 C. Section 2305 of the Code provides that the
21 revocation, suspension, or other discipline, restriction, or
22 limitation imposed by another state upon a license or
23 certificate to practice medicine issued by that state, or
24 the revocation, suspension, or restriction of the authority
25 to practice medicine by any agency of the federal
26 government, that would have been grounds for discipline in
27 California of a licensee under the Medical Practice Act,

1 constitutes unprofessional conduct.

2 D. Section 2427 of the Code provides that an expired
3 physician and surgeon's certificate may be renewed at any
4 time within five (5) years from the expiration of said
5 certificate upon application therefor and the payment of any
6 and all accrued fees and penalties, if any.

7 E. Section 118(b) of the Code provides that the
8 expiration of a Physician's and Surgeon's Certificate shall
9 not deprive the Division of authority to institute or
10 continue a disciplinary proceeding, or to issue a
11 disciplinary order for the suspension, revocation or
12 imposition of other disciplinary conditions upon such a
13 certificate after such a proceeding, at any time within
14 which said certificate may be renewed, restored, reissued or
15 reinstated.

16 F. Section 125.3 of the Code provides, in part, that
17 the Board may request the administrative law judge to direct
18 any licentiate found to have committed a violation or
19 violations of the licensing act, to pay the Board a sum not
20 to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 G. Section 141(a) of the Code provides, in pertinent
23 part, that a disciplinary action taken by another state
24 against a holder of a California Physician's and Surgeon's
25 Certificate for any act substantially related to the
26 practice of medicine may be grounds for disciplinary action.

27 H. Section 14124.12(a) of the Welfare & Institutions

1 Code provides in pertinent part that upon written notice of
2 the Medical Board of California that a physician and
3 surgeon's medical license has been placed on probation as a
4 result of a disciplinary action, no Medi-Cal claim for the
5 type of surgical service or invasive procedure giving rise
6 to the probationary order and performed on or after the
7 effective date of said probationary order or during the
8 period of probation shall be reimbursed, except upon a prior
9 determination that compelling circumstances warrant the
10 continuance of reimbursement during the probationary period
11 for procedures other than those giving rise to the
12 probationary order.

13 4. Respondent is subject to disciplinary action for
14 unprofessional conduct within the meaning of Code sections
15 2239(a) and 2305 and for conduct subject to discipline within the
16 meaning of Code section 141(a) as more fully set forth
17 hereinbelow.

18 **FIRST CAUSE FOR DISCIPLINE**

(Out-of-State Discipline)

19 [Bus. & Prof. Code §§ 2305 and 141(a)]

20 5. On or about September 25, 1998, by the Consent
21 Order of Voluntary Surrender of Licensure of that date,
22 respondent surrendered his New Jersey medical license to the New
23 Jersey State Board of Medical Examiners upon findings of, inter
24 alia, chronic alcohol abuse, alcoholism and depression. (See
25 Exhibit "A" attached hereto.)

26 6. Respondent's conduct as set forth in paragraph 5,
27 above, constitutes unprofessional conduct within the meaning of

1 Code sections 2239(a) and 2305 and conduct subject to discipline
2 within the meaning of Code section 141(a).

3 **PRAYER**

4 **WHEREFORE** complainant requests that a hearing be held
5 on the matters herein alleged and that, following the hearing,
6 the Division issue a decision:


7 1. Revoking or suspending Physician and Surgeon's
8 Certificate Number G-12870, heretofore issued to respondent;

9 2. Revoking, suspending or denying approval of the
10 respondent's authority to supervise physician assistants,
11 pursuant to Code section 3527;

12 3. Ordering respondent to pay the Division the actual
13 and reasonable costs of the investigation and enforcement of this
14 case and the costs of probation monitoring if probation is
15 imposed; and

16 4. Taking such other and further action as the
17 Division may deem necessary or proper.

18 DATED: March 22, 1999.

19
20
21 
22 Ronald Joseph
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California

27 Complainant

forms\accuse [115 rev]

EXHIBIT "A"



RECEIVED
SACRAMENTO
MEDICAL BOARD
OF CALIFORNIA

99 JAN -4 PM 12:39

RECEIVED
JAN -5 AM 9:18
JAN -5 AM 9:18

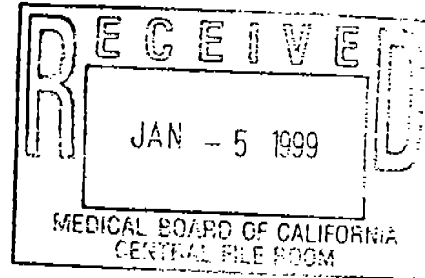
State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

CHRISTINE TODD WHITMAN
Governor

December 30, 1998

PETER VERNIERO
Attorney General
MARK S. HERR
Director

Marcia Sanchez
Medical Board of California
Discipline Coordination Unit
1426 Howe Ave., Ste. 93
Sacramento, CA 95825-3236



In reply respond to:
140 E Front Street 2nd Fl.
Trenton NJ 08608
(609) 826-7100

RE: Donald Simsen, M.D.

Dear Ms. Sanchez:

The New Jersey State Board of Medical Examiners has received your request for information concerning the above listed individual.

Enclosed please find a certified true copy of the Administrative Action CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE filed September 25, 1998 with the New Jersey State Board of Medical Examiners in the above captioned matter.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Carolyn Maschal
Assistant Executive Director

Enclosures

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

FILED

By: Brenda Talbot Lewis
Deputy Attorney General
Division of Law, Th Floor
124 Halley Street
P.O. Box 45029
Newark, New Jersey 07101
(973) 648-4738

September 25, 1998
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
DONALD A. SIMSEN, M.D.	:	
	:	CONSENT ORDER OF VOLUNTARY
TO PRACTICE MEDICINE AND SURGERY	:	SURRENDER OF LICENSURE
IN THE STATE OF NEW JERSEY	:	
	:	
	:	

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information that respondent Donald A. Simsen, M.D., who specializes in obstetrics and gynecology, ~~had been working locum tenans in the State of New Jersey~~ and had been hospitalized on repeated occasions since September 1997 for chronic alcohol abuse. Dr. Simsen was admitted to Carrier Clinic in October 1997 with the diagnosis of alcoholism/depression; he was then admitted to Charter hospital in Summit for three weeks; he was transferred to Princeton House for

two weeks; he remained at a facility in Boca Raton, Florida, for three months; was admitted to Zurbugg Hospital for two weeks; returned home on March 10, 1998; and was later readmitted to Charter Hospital. The Board also noted that Dr. Simsen's New Jersey license is presently suspended because of disciplinary action taken against his Ohio license and because of his failure to renew the registration of his license here. Respondent now seeks leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey without prejudice and in accordance with the terms of this Order.

IT IS THEREFORE on this 25th day of September 1998

ORDERED:

1. Respondent Donald A. Simsen, M.D. is hereby granted leave and shall immediately surrender his license to practice medicine and surgery in the State of New Jersey.

2. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, Second Floor, Trenton, New Jersey 08608, upon his receipt of a filed copy of this Order.

3. Respondent shall return his original C.D.S. registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, Second floor, New Jersey 08608, upon his receipt of a filed copy of this Order.

4. Respondent shall immediately advise the DEA of this Order.

5. Prior to any restoration of his license, respondent shall:

- a. Appear before the Board or a committee thereof no earlier than six months subsequent to the entry of this Order to discuss his readiness to reenter the practice of medicine. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of alcohol or C.D.S. which could affect his practice.
- c. Provide the Board with evidence that he has not been a habitual user of intoxicants in violation of N.J.S.A. 45:9-16(b) and has not engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e).
- d. Provide the Board with reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment for the disability in this matter during the period of time from his entry into treatment to his appearance.
- e. Provide the Board with a report from the Physicians Health Program detailing the nature and extent of his involvement with that entity if any.
- f. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of medicine and surgery within New Jersey.
- g. Provide the Board with a full account of his conduct during the intervening period of time from his entry into treatment to his appearance pursuant to this Order.

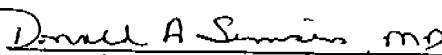
6. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law

enforcement entities resulting from respondent's conduct prior or subsequent to his entry into treatment.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: 
Bernard Robins, M.D., F.A.C.P.
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Donald A. Simsen, M.D.

Consent is given on behalf of the Physicians' Health Program to those provisions of this Order which require reporting by PHP



David I. Canavan, M.D.
Medical Director
Physicians' Health Program

EXHIBIT 4

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON OCTOBER 11, 1995

The following directives shall apply when a license is suspended or revoked or permanently surrendered with or without prejudice.

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 140 East Front Street, 2nd floor, Trenton, New Jersey 08608, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice

title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revoked or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.